STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

April 24, 1995

ALL-COUNTY LETTER NO. 95-18

Reason for this Transmittal
[ ] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order or Settlement Agreement
[X] Clarification Requested by One or More Counties
[ ] Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
ALL FSET COORDINATORS

SUBJECT: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM: QUESTIONS AND ANSWERS

This is to transmit responses to questions involving Food Stamp Employment and Training (FSET) Program and voluntary quit requirements. These responses were developed as a result of county inquiries which have statewide application. Several of the answers contained in this letter have been developed in light of recent policy clarification received from the Food and Consumer Service (FCS).

In addition, nearly all questions and answers contained in All-County Letter (ACL) No. 88-61 have been updated, as appropriate, and incorporated into this letter. Therefore, ACL No. 88-61 is rescinded.

If you have questions regarding this letter, please contact your Employment Operations analyst at (916) 657-3403.

Bruce Wagstaff

BRUCE WAGSTAFF
Acting Deputy Director
Welfare Programs Division

Attachments

c: CWDA

WORK REGISTRATION, EXEMPTIONS, AND DEFERRALS

1.Q. How shall work registration be documented?

a. How are exemptions from registration identified?

b. Some persons are registered but deferred from participation in FSET. How is this status documented?

c. How are changes in registration status, such as loss of exemption, documented?

A. Work registration status is noted on the application form, DFA 285-A2. Any type of notation is acceptable, so long as it is identifiable as the work registration status for an individual household member.

a. Household members exempt from work registration shall be identified on the DFA 285-A2 form by use of the work exemption codes, listed at the bottom of the form.

b. For reporting purposes, those persons who are deferred from participation in FSET, in accordance with MPP Section 63-407.811, will need to be identified by reason for deferral. This can be accomplished through use of a county generated code, or other notation on the DFA 285-A2 or in the case file.

c. Changes in work registration status may be shown on the DFA 285-A2 or noted elsewhere in the case file.

2.Q. Do pregnant women need to be work registered, and participate in FSET?

A. They are not exempt from work registration by reason of pregnancy. However, they are deferred from participation in FSET under MPP Section 63-407.811(c)(7) - "Temporary illness or disability".

3.Q. MPP Section 63-407.21(f) exempts a person who is a regular participant in a drug addiction or alcoholic treatment and rehabilitation program from Food Stamp work registration.

a. How is drug addiction or alcoholic treatment and rehabilitation program defined?

b. Does the person have to be in a residential treatment program in order to be exempt?

c. How is "regular participant" defined?

d. Are Alcoholics Anonymous (AA), Al-Anon, and methodone programs included in this regulation?

A. a. A drug addiction or alcoholic treatment and rehabilitation program is defined at MPP Section 63-102(d)(7).

b. No, the person need not be in a residential program to be exempt.

c. A regular participant is one whose participation precludes employment of at least 30 hours per week.

d. Participation in Alcoholics Anonymous, Al-Anon, or methodone maintenance programs usually do not preclude employment, and therefore would not exempt the participant from work registration.

4.Q. MPP Section 63-407.21(a)(1) states that a person age 16 or 17 who is not the head of the household, or who is attending school, or enrolled in an employment training program on at least a half-time basis is exempt from work registration. Under what circumstances, then, must a 16 or 17 year old be work registered?

A. A 16 or 17 year old would be work registered only if he/she is the head of a household, as defined in MPP Section 63-402.5, is not enrolled at least half-time in an education or training program, and is not exempt for any other reason specified in Section 63-407.21.

5.Q. Is a person who is serving as a volunteer for over 30 hours per week exempt from work registration?

A. No, such persons are not exempt from work registration. According to Federal Administrative Notice 88-21, issued January 26, 1988 by the Food and Nutrition Service, "...The intent of the work registration requirement is to promote the acquisition of gainful employment among program recipients, thereby reducing their dependency on program benefits. While the term 'work' is not specifically defined in the Act or regulation, it is clear that permitting a work registration exemption for individuals who volunteer their services at no charge would not satisfy this intent. Consequently, people who work as unpaid volunteers for a period of over 30 hours per week would not be exempted from the program's work registration requirements unless they meet other exemption criteria".

6.Q. How is "half-time" attendance/enrollment determined when applying the student exemptions at MPP Sections 63-407.21(a)(1) and (h)?

a. Does enrollment in any type of correspondence course confer student status to the person for purposes of work registration exemption?

A. If not defined by the school, half-time attendance/enrollment can be determined by one of two methods:

- Determine the number of hours which the student's school has accepted as full-time for the specific curriculum in which the student is involved, and divide the figure in half. This is also appropriate for a student of higher education.

- Determine the <u>average</u> number of hours a student age 16 or 17 spends in class in the local community and divide the number in half. This number is then compared to the number of hours that a minor student is attending school in determining whether he/she qualifies for the exemption at MPP Section 63-407.21(a)(1). This method would be appropriate if the individual's school does not have standards to define "full-time".

a. Enrollment in a correspondence course does not confer student status for purposes of exemption from Food Stamp work registration. Such courses do not require class attendance, and therefore, allow the participant to seek employment.

7.Q. Can more than one person in a household be exempt from FSET participation due to care for a child under age six?

A. This exemption would be inappropriate for both parents in a two-parent family with common children under six years of age. This does not preclude the other parent from being exempt or deferred for another reason, such as participation in a drug or alcohol treatment program, temporary illness or disability. The exemption due to care for a child under age six might be appropriate for more than one person living in a household consisting of more than one family, each with its own dependents, e.g., two siblings responsible for care of their own children under age six.

8.Q. Under what circumstances should a registrant be deferred from FSET participation due to lack of dependent care?

A. Registrants should be deferred if there is a lack of adequate child care for children who have reached age six, but are under twelve years of age, or if dependent care costs exceed the maximum dependent care deduction (see MPP Section 63-407.811(c)(1).

9.Q. Is a registrant engaged in part-time employment of less than 30 hours per week required to participate in FSET if participation would force the registrant to either reduce hours worked or terminate employment?

A. No. The registrant should be deferred as unable to participate due to personal circumstances. Personal circumstances include part-time employment which prevents FSET participation.

PARTICIPATION REQUIREMENTS

10.Q. Regulations at MPP Section 63-407.854 provide that job search participation requirements may begin at application for up to eight consecutive weeks. They further permit job search to continue for a period of up to eight weeks during a 12 consecutive month period. Can a Food Stamp recipient, including a registrant already receiving expedited service, be assigned to applicant job search followed by recipient job search with the county receiving both applicant and recipient placement counts?

A. FSET placement counts are based on the component to which an individual is assigned, rather than his/her status as a Food Stamp applicant or recipient. Persons who have begun receiving Food Stamps, including those receiving expedited service, may be assigned to applicant job search provided the assignment is made in a timely manner, e.g., within 30 days from the date of application. Upon completion of applicant job search, they can then be assigned to recipient job search and again be counted as placed in an FSET component.

11.Q. Can FSET assignments be given on a weekly or monthly basis? For example, in a Job Search component which requires 24 contacts in eight weeks, can the County Welfare Department (CWD) assign three contacts per week, and require the participant to check in weekly? If so, can Food Stamp sanctions be imposed for failure to comply with a weekly or monthly assignment?

A. Yes. MPP Section 63-407.85 does not prohibit the CWD from determining participation requirements as long as they are within the minimum and maximum requirements specified in this section. The CWD may require the participant to report weekly, monthly, or within another time period and may impose a sanction if the participant fails to comply and conciliation is unsuccessful.

12.Q. Because of retrospective budgeting, some recipient households may receive zero (0) benefits for a given month. Are they required to participate in FSET during this month if they would otherwise have been required to do so?

a. If not required to participate during a month in which zero benefits are received, can recipients volunteer to participate?

b. Can an applicant who is certified eligible be required to participate in FSET during the month of application if no benefits are authorized?

A. When a household is suspended for one month because of temporary receipt of excess income (MPP Section 63-504.37), participation in FSET should also be suspended. The members need not be "deregistered" and "reregistered" again the next month, since registration is automatic, and an individual is counted as registered only once in a fiscal year.

a. An individual may volunteer to continue participating if s/he wishes. For example, s/he may want to complete a course in English-as-a-Second-Language. Under these circumstances, no sanctions may be applied for failing to comply. Although the registrant would be a volunteer during the month of zero benefits, s/he is not reported as a volunteer. S/he has already been reported as a mandatory participant, and the placement has already been counted.

b. Federal regulations provide the authority to assign work registrants to an Applicant Job Search component, which begins at the time of application, and may extend beyond the date that eligibility is determined. Therefore, an individual who has not completed an Applicant Job Search assignment prior to certification, and is not entitled to benefits in the initial month of application per MPP Section 63-503.327, is still required to complete the assignment, and may be sanctioned for noncompliance.

13.Q. Is an applicant for recertification considered an "applicant" for FSET purposes? Would such a person be required to participate in the initial Applicant Job Search?

A. No. An applicant for recertification is not considered an "applicant" for FSET purposes. Such a person would be subject only to Recipient Job Search, or other recipient requirements within the county's approved FSET program.

14.Q. Does mailing a resume to a prospective employer constitute an acceptable job contact within FSET unsupervised job search?

A. No. Participants in unsupervised job search are expected to engage in an active employment search involving face-to-face contacts with potential employers. By actually visiting the premises of such employers, a participant can discuss possible openings, submit a resume, obtain an application, and gather information needed to complete the job search work sheet, which is required by most counties.

15.Q. Regulations at MPP Section 63-407.854 provide that participation in job search may begin at Food Stamp application for up to eight consecutive weeks, and continue for an additional eight weeks during twelve consecutive months. An individual applies in April and completes eight weeks of applicant job search during April and May and eight weeks of recipient job search during June and July. The case is discontinued at the end of August and the individual reapplies in October.

At the time of reapplication, can participation in job search be required when the twelve consecutive months for recipient job search has not expired?

A Yes. Participation in applicant and recipient job search may be required each time an individual reapplies for Food Stamps and is required to participate in FSET. The limit of eight weeks participation in recipient job search applies only to persons who continue to receive Food Stamps during twelve consecutive months. It does not apply to those who leave the Food Stamp program prior to expiration of that twelve month period.

CONCILIATION AND SANCTIONS

16.Q. A Food Stamp work registrant is assigned to an FSET orientation meeting at which the county will determine whether the registrant should be deferred from participation or assigned to an FSET component. The registrant fails to attend the scheduled appointment. Should the county initiate conciliation and can the registrant be sanctioned for not attending the orientation meeting?

A. Yes. Failure to attend FSET orientation by persons registered for work under the Food Stamp Program is considered failure to comply with FSET program requirements. As a result, conciliation would be initiated and Food Stamp sanctions imposed if conciliation is unsuccessful.

17.Q. Are persons who fail to comply with Greater Avenues for Independence (GAIN), unemployment compensation, or substitute program requirements comparable to one of the FSET requirements in MPP Section 63-407.8, entitled to FSET conciliation prior to the imposition of a Food Stamp sanction?

A. No. Participants in GAIN, those receiving unemployment compensation, or participating in a substitute program are not entitled to FSET conciliation following their failure to comply. FSET conciliation procedures at MPP Section 63-407.58 apply only to those required to participate in the FSET program.

Individuals participating in GAIN and other programs having established conciliation procedures should receive a Food Stamp sanction only if conciliation, as provided within such programs, is unsuccessful and FSET comparability is established in accordance with MPP Section 63-407.54. Persons in substitute programs which do not offer conciliation and who fail to comply with a requirement comparable to an FSET program requirement, must be sent a notice of Food Stamp sanction immediately following a determination that the noncompliance was without good cause.

These policies also apply when those participating in GAIN, in receipt of unemployment compensation, or participating in a substitute program, fail to comply with a requirement comparable to one of the general Food Stamp work requirements in MPP Sections 63-407.42, 63-407.43, and 63-407.44.

18.Q. An FSET participant fails to comply, the noncompliance is determined to be without good cause, and conciliation is unsuccessful. Upon receiving the notice of Food Stamp sanction, the participant demonstrates that he had good cause for not conciliating. Should good cause criteria at MPP Section 63-407.57 be considered when a participant claims that he was unable to conciliate due to circumstances beyond his control?

A. No. Good cause criteria in MPP Section 63-407.57 do not apply to a participant's failure to conciliate. When the noncompliant action which brought about conciliation is found to be without good cause, the participant must perform a verifiable act of compliance if Food Stamp sanctions are to be avoided (see MPP Section 63-407.584). Verbal commitment is an option for those prevented from conciliating due to circumstances beyond their control, such as the unavailability of a suitable component.

19.Q. Does the policy of prospective disqualification contained in Index Policy Memo (IPM) 90-18 still apply when, through administrative error, a notice of Food Stamp sanction is not issued by the end of FSET conciliation?

A. Yes. Food Stamp sanctions should be prospectively imposed to ensure that participants not sent a notice of action within required time parameters have an opportunity to end or avoid Food Stamp sanctions in accordance with MPP Sections 63-407.56 and 63-407.6. The Notice of Disqualification is to be timely and should be issued immediately upon discovery of the error.

20.Q. What should be done when a Notice of Disqualification is issued by the end of FSET conciliation, but the county subsequently learns that Food Stamp sanctions were never applied?

A. The CWD must first determine if compliance was achieved by the end of conciliation. If compliance was not achieved, an overissuance claim should be established as follows:

- If the error is discovered in the first month following issuance of the notice of action, a claim for one month's Food Stamp allotment should be established. In addition, the participant, or entire household (if the noncompliant individual is the principal work registrant), would remain ineligible for the remainder of the two month disqualification period identified in MPP Section 63-407.55, unless the sanction is ended in accordance with MPP Section 63-407.6.

- If the error is discovered in the second month following issuance of the notice of action, or any time thereafter, an overissuance claim for two month's Food Stamp allotment would be established as these are the number of months for which the participant was ineligible due to FSET noncompliance.

21.Q. How should Food Stamp sanctions for voluntary quit be applied when issuance of the notice imposing Food Stamp sanctions is delayed through administrative error?

A. Upon discovering the administrative error, the CWD shall investigate whether a cause determination had previously been made. If not, the CWD shall determine whether good cause existed for the voluntary quit. If the quit is found to be without good cause, the CWD shall proceed as follows:

- If the household is an applicant household and the administrative error is discovered within 90 days from the date of quit, a notice of action denying the household's application for the remainder of the 90 days shall be sent.

- If the household is an applicant household and the error is not discovered for at least 90 days from the date of quit, no sanction shall be imposed. If otherwise eligible, the household's application shall be approved and any Food Stamps for which the household would have been eligible following completion of the 90 day sanction period shall be restored.

- For participating households, voluntary quit sanctions shall be prospectively imposed upon discovery of the error and regulations in MPP Section 63-408.2 shall apply. The regulations contain no time limits within which a voluntary quit must be discovered in order for a participating household to receive Food Stamp sanctions.

22.Q. MPP Section 63-407.513 provides that when applying FSET or voluntary quit sanctions, no person of any age shall be considered the principal work registrant if living with a parent or person fulfilling the role of a parent who is registered for work under the Food Stamp program, or exempt in accordance with MPP Sections 63-407.21 (c), (e), or (g). Does this regulation apply only to individuals living with their own parents or persons fulfilling the role of their parents?

A. Yes. This regulation is limited to those living with their own parent(s) or with a person fulfilling this role.

23.Q. How should a county proceed when the notice informing a noncompliant participant of the opportunity to present good cause evidence and to conciliate is returned with no forwarding address?

A. When a conciliation notice is returned to the county, the county should use available information to determine whether good cause existed for the noncompliance. If a determination of no good cause is made, the county may proceed with the imposition of Food Stamp sanctions in accordance with MPP Section 63-407.585. The notice of adverse action should be sent to the address currently available to the county with Food Stamp sanctions scheduled to begin no earlier than the first day following completion of the 30 days allotted for conciliation.

24.Q. Is conciliation available to persons who fail to comply with FSET program requirements prior to approval of their application for Food Stamps? How should Food Stamp sanctions be applied to such persons?

A. If an applicant's failure to comply is discovered prior to approval of his/her application, the county shall not initiate conciliation. Instead, the application should be denied following a determination that the noncompliance was without good cause.

If the applicant's noncompliance is discovered after the application has been approved, the county shall continue to issue Food Stamps and conciliation shall be provided. If conciliation is unsuccessful, Food Stamp sanctions shall be prospectively imposed in accordance with MPP Section 63-407.585.

Persons receiving expedited service pending final approval of their application shall be considered Food Stamp recipients for purposes of FSET conciliation and sanction requirements.

25.Q. How should Food Stamp sanctions be imposed when an applicant fails to comply with one of the general Food Stamp work requirements in MPP Sections 63-407.42, .43, or .44?

A. If an individual's noncompliance with a general Food Stamp work requirement is discovered prior to approval of his/her application, the county shall not impose a Food Stamp sanction. Instead, the application should be denied following a determination that the noncompliance was without good cause.

When the noncompliance is discovered after the application has been approved, a Food Stamp sanction should be prospectively imposed in accordance with MPP Section 63-407.56.

26.Q. If a participant fails to comply with FSET requirements, but either leaves the program or becomes ineligible for Food Stamps prior to the imposition of a sanction, what actions should the county take if the individual subsequently reapplies for Food Stamps?

A. When a participant fails to comply with FSET requirements and leaves or is removed from the program prior to or during the period of conciliation, the county shall use available information to determine if good cause existed for the noncompliance. If a determination of no good cause is made, conciliation shall be considered unsuccessful and a Notice Of Action imposing Food Stamp sanctions shall be sent. If the participant reapplies during the period of FSET disqualification, his/her application should be denied for the remainder of the disqualification period unless the participant demonstrates that good cause existed for the noncompliance, or the sanction is ended in accordance with MPP Section 63-407.62. If, after expiration of the FSET sanction, the individual reapplies and is otherwise eligible, his/her application shall be approved. The policy of denying an application until a sanction is cured or ended also applies to recipients who leave the program after failing without good cause to comply with a general Food Stamp work requirement or voluntarily quitting employment (compare MPP Sections 63-407.6 and 63-408.6).

27.Q. A registrant fails to comply after three weeks of applicant job search. Four weeks later, the registrant successfully conciliates by submitting a report of 3 employer contacts.

a. Do the employer contacts made within conciliation count toward completion of the applicant job search component?

b. Since regulations in MPP Section 63-407.854 provide that participation in applicant job search may be required for up to eight consecutive weeks, what portion of the job search component should the registrant be required to complete following successful conciliation?

A. a. Yes. Acts of compliance performed within conciliation shall apply toward completion of an FSET component.

b. When a registrant fails to comply, the eight consecutive weeks for applicant job search identified in MPP Section 63-407.854 shall stop until the registrant begins to comply during the period of conciliation. When the registrant performs a verifiable act of compliance, applicant job search shall resume, beginning with the date the registrant began to participate. In the example at hand, the five weeks of applicant job search which remained following the registrant's noncompliance would resume when the registrant began making the three employer contacts required for successful conciliation.

28.Q. Must a participant who is issued an advance for transportation costs and who subsequently fails to comply with program requirements be reimbursed or advanced for allowable costs incurred within FSET conciliation? For example, a participant assigned to unsupervised job search is provided bus tokens sufficient for one week of employer contacts. The participant contacts no employers, is found to be without good cause, and informed that a report of three employer contacts must be submitted for successful conciliation. If the tokens provided at the beginning of job search were lost or misused and are not at the participant's disposal, is the participant entitled to additional tokens to permit successful conciliation?

A. A participant's eligibility for payment of transportation costs within conciliation is based on whether the $25.00 maximum amount has already been issued for the month in which the payment is requested. It is not contingent on whether a previously issued transportation payment was appropriately used. If the $25.00 maximum has already been advanced, no additional transportation payments, whether in cash or in kind, are available for that month. If less than the $25.00 maximum has been advanced and additional transportation is needed, the participant shall receive appropriate payments in an amount not to exceed what remains of the $25.00 available for that month. When conciliation continues into the following month, the participant is again eligible for all or a part of the maximum transportation payment needed to enable the participant to submit good cause evidence and/or perform a verifiable act of compliance.

29.Q. For Food Stamp sanction purposes, are GAIN appraisal activities comparable to any of the Food Stamp work requirements in MPP Section 63-407.4?

A. No. The requirement to participate in GAIN appraisal is not comparable to any of the Food Stamp work requirements, including FSET participation requirements. Therefore, a Food Stamp sanction is not imposed when an individual fails to attend GAIN appraisal. Instead, he/she loses his/her Food Stamp work registration exemption and is work registered under the Food Stamp program if not otherwise exempt.

30.Q. A Food Stamp work registrant moves to a new county while under sanction for failure to comply with FSET requirements. The registrant applies for and receives Food Stamps in the new county. Two months later the county discovers the registrant's failure to report his sanction status when applying for Food Stamps. Should a Food Stamp sanction be prospectively imposed or should an overissuance claim be established against the household?

A. An overissuance claim should be established for Food Stamps inappropriately received during the period of disqualification. Had the overissuance been discovered prior to the end of the two month sanction, the registrant would be denied Food Stamps for the remainder of the disqualification period and an overissuance claim would be established.

31.Q. Three mandatory participants in the same household fail to comply with FSET program requirements in the same month. One of them is the principal work registrant.

a. Since Food Stamp sanctions for the entire household can only be avoided if the principal work registrant successfully conciliates, should the other two participants receive conciliation?

b. If all three participants are provided conciliation, but none successfully conciliate, should those who are not the principal work registrant be sent Notices of Disqualification? If so, what information should be given regarding ending the disqualification since they cannot individually end the sanction by resuming compliance?

A. a. The principal work registrant must successfully conciliate if the household is to be eligible for Food Stamps. Each of the other noncompliant members must also be provided the opportunity to conciliate. They must conciliate to avoid individual sanctions should the principal work registrant either be found to have good cause for the noncompliance or comply with program requirements following a determination of no good cause.

b. A Notice of Disqualification (DFA 377.10) should be sent to each participant who fails to conciliate. For those members who are not the principal work registrant, the County should include written notice on the DFA 377.10 that the sanction can be ended only if the principal work registrant also takes the appropriate action to resume compliance.

32.Q. Can Food Stamp sanctions for failure to comply with the work registrant requirements in MPP Section 63-407.4, (including FSET), or for voluntary quit, be avoided if the responsible individual complies prior to the beginning date of the disqualification?

A. Yes. Disqualification for failure to comply with the Food Stamp work registrant requirements, or for voluntary quit may be avoided if the individual meets the requirements of MPP Section 63-407.62 or Section 63-408.62, whichever is appropriate, prior to the first month following expiration of the adverse notice period.

If the household is an applicant household, and the sanction is cured before a decision is rendered on the application, the household should be certified, if otherwise eligible. Benefits should be prorated to the date the sanction was cured. However, the application may be denied immediately on discovery of voluntary quit. In this instance, it is not necessary to allow the 30 day application period to expire before a decision is rendered.

33.Q. An individual who is not the principal work registrant fails to comply with an FSET assignment and is disqualified for the months of March and April.

The other work registrant in the household, who is the principal work registrant also fails to comply and conciliation unsuccessfully ends in March. The entire household would be disqualified for the months of April and May.

Can there be overlapping sanctions, e.g., during the month of April for the individual who is not the principal work registrant? Or must the sanctions be served consecutively?

A. In this case, since the sanctions are for noncompliance with work requirements, the sanctions can be served concurrently. The sanctions on the individual who is not the principal work registrant will overlap. The person who is serving an individual sanction will be disqualified for the months of March, April and May. He may end the disqualification for the month of March by resuming

compliance with the requirement that was violated. In order to end his disqualification for the month of April, compliance must be resumed by both individuals. However, he cannot take action to end his disqualification for May. This can only be cured if the principal work registrant resumes compliance.

34.Q. If an individual or household is sanctioned and then leaves the Food Stamp program for another reason prior to the end of the sanction period, is the sanction lifted? If so, is it resumed when the individual or household reapplies for benefits at a later date?

A. The period of disqualification is for two months and begins the first of the month following expiration of the adverse notice period. It is not lifted if benefits are terminated for another reason. If the household reapplies after the two months has expired, it can receive benefits if otherwise eligible.

If the household reapplies before the two months is up, it will not be eligible until the sanction period expires, unless the disqualification is ended in accordance with MPP Section 63-407.62.

35.Q. If an individual or household under sanction moves to another county prior to the expiration of the sanction, is the sanction applied in the new county?

a. If an individual or household is under sanction for failure to comply with an FSET assignment, and moves to a county that is geographically excluded, i.e., does not have an FSET Program, does the sanction continue to apply?

b. If a household under sanction in another state applies for food stamps in California, must the sanction be applied?

A. Yes, the sanction follows the individual or household. However, eligibility may be established in the second county if the sanction is "cured", in accordance with MPP Section 63-407.62.

a. No. The Federal regulations require that all work-related sanctions be "curable". Because there is no FSET Program in a geographically excluded county, there is no comparable work registrant requirement, and no opportunity to cure the sanction. Therefore, the sanction may not be applied, and the applicant must be certified, if otherwise eligible.

b. Yes, <u>if the county is aware</u> of a sanction imposed in another state, eligibility may not be established until expiration of the sanction, or until it is "cured". However, the county need not take any special measures to contact the previous state of residence, or to require proof of sanction-free status from an applicant. If the county is geographically excluded, see a. above.

36.Q. In order to end a disqualification, the individual who caused the disqualification must comply with the assignment or another assignment. Must s/he complete the assignment, or just indicate willingness to comply?

A. The individual must show a "good faith effort" to comply. S/he must actually resume compliance with the assignment, or an alternate assignment given by the County Welfare Department (CWD). When the CWD has received verification that compliance has resumed, benefits are reinstated. The person need not complete the entire remaining portion of the component in order for benefits to be reinstated.

The county may determine what is a reasonable cure effort. However, the cure requirement must not impose an undue burden on the participant, nor unnecessarily delay the issuance of benefits.

37.Q. Regulations in MPP Section 63-407.623 (d) provide that a household member who refused to comply with an FSET assignment may end a disqualification by complying with that assignment or another assignment. It does not include someone who failed without good cause to comply. Does this mean that the cure provision is only applicable for someone who "refused", but not for someone who "failed" to comply?

A. No. Any disqualification for noncompliance with an FSET assignment may be ended or avoided if the registrant complies with that or another assignment, regardless of whether the registrant refused or failed without good cause to comply.

PROGRAM ADMINISTRATION

38.Q. Regulations in Section 63-407.211 and 63-407.814 permit persons who are exempt from work registration or deferred from FSET participation to volunteer to participate in the FSET program. In addition, Section 63-407.82 which requires the CWD to refer mandatory participants to an FSET component also permits the CWD to refer applicants and volunteers. In light of these regulations, must the CWD serve all exempt or deferred individuals who wish to volunteer? Or can the CWD deny such persons the opportunity to participate due to factors such as limited funds or the unavailability of a suitable component?

A. If an approved FSET county plan states that volunteers will be served, they shall be given the opportunity to participate, subject to any limits identified in the plan. There is no mandate to serve volunteers in counties whose plan either excludes or does not address service to such persons.

39.Q. If an individual or household is found to be ineligible for Food Stamps after they have participated in FSET, is the $25.00 work expense allowance considered an overpayment?

a. If a transportation payment is issued in advance, but is not used for its intended purpose, is it considered an overpayment which must be recouped?

A. No. The fact that the person was found ineligible for Food Stamps does not make the work expense allowance an overpayment. If the person has participated in FSET it should be assumed that the allowance was used for work related expenses. The county does not need to require verification of these expenditures.

a. If a transportation payment is issued in advance, and is not used for its intended purpose, it is not considered an overpayment to be recouped, but is counted as income to the household in the month received, pursuant to MPP Section 63-502.133.

40.Q. Does the assignment of an applicant to an orientation meeting, which provides explanation of rights and responsibilities and job search requirements, count as an assignment to FSET for purposes of reporting placements?

A. The assignment may be counted as a placement only if the applicant was registered at the point of application, given a written statement of rights and responsibilities, and the orientation meeting is a part of an FSET Job Search or Job Club component.

41.Q. Can the cost of administering conciliation for an FSET participant be charged to the FSET allocation?

A. Yes. The conciliation costs can be charged to the 100 percent grant or the 50 percent match for administrative funds.

42.Q. Should conciliation costs be included in the costs for FSET program components?

A. The county has the discretion to identify these costs in such a manner that is most appropriate to its FSET program.

43.Q. Can FSET funds be claimed for setting up workfare sites?

A. Yes. Setting up workfare sites are an allowable cost to the FSET Program.

44.Q. A county stops referring mandatory participants to FSET components prior to the end of the federal fiscal year. However, the county continues to work register individuals, as required, for the entire Federal Fiscal Year (FFY), meets estimated approved FSET plan placement level and budget expenditures and meets performance standards. Would the county be in violation of federal rules in this situation?

A. No. The county must meet the performance standards and continue to work register participants to be in compliance with FSET rules. If these provisions are met, the county would not be in violation if they stop referring participants to components for the remainder of the fiscal year.

VOLUNTARY QUIT

45.Q. A Food Stamp applicant is discovered to have taken a personal leave without pay for two months from a job with the employer's permission. Is this considered a voluntary quit?

A. No. The individual has merely taken an approved leave of absence and so is still employed.

46.Q. An ineligible alien who is excluded from consideration in determining his household's Food Stamp allotment per MPP Section 63-402.22 quits a job involving employment of more than 20 hours per week. This individual had the greatest source of earned income in the two months prior to the month in which the quit occurred. Can he be considered the principal work registrant for purposes of voluntary quit sanctions?

A. No. Persons who are excluded household members cannot be sanctioned for failing to comply with requirements of the Food Stamp program. Therefore, voluntary quit requirements including designation of the principal work registrant do not apply.

47.Q. A household files an application for Food Stamps and at the intake interview, the county discovers that the principal work registrant voluntarily quit a job within 60 days prior to the date of application and determines that the quit was without good cause. During the interview, the county informs the principal work registrant that the household's application will be denied.

Can the household avoid voluntary quit sanctions by withdrawing its application?

A. No. Voluntary quit sanctions at MPP Section 63-408.13 apply. The household would be ineligible to receive Food Stamps for a period of 90 days, beginning with the date of quit.

Regulations at MPP Section 63-300.36 provide that a household may voluntarily withdraw its application at any time prior to the determination of eligibility. However, the household has been determined ineligible for Food Stamps due to voluntary quit and so, the request for withdrawal should be denied.

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